

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)	
)	
Chambers County Landfill, LLC)	Order No. 26-XXX-CSW
Chambers County Landfill)	
Lanett, Chambers County, Alabama)	
Solid Waste Disposal Permit No. 09-02)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter “the Department”) and the Chambers County Landfill, LLC (hereinafter “Permittee”), a domestic limited liability company, pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Solid Wastes and Recyclable Materials Management Act (hereinafter “SWRMMA”), Ala. Code §§ 22-27-1 to 22-27-18, as amended.

STIPULATIONS

1. Chambers County Landfill, LLC operates an industrial landfill, known as the Chambers County Landfill, (hereinafter “landfill”) in Lanett, Chambers County, Alabama, which is the subject of this Consent Order.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), as amended, and Ala. Code § 22-27-9(a), as amended, the Department is the state agency authorized to administer and enforce the provisions of the SWRMMA, Ala. Code §§ 22-27-1 to 22-27-18, as amended.

DEPARTMENT’S CONTENTIONS

4. On September 27, 2024, the Department issued renewal Solid Waste Disposal Permit Number 09-02 to the Permittee for the operation of the landfill located at 7245 Veterans Memorial Parkway, Lanett, Chambers County, Alabama.

5. On March 16, 2023, Department personnel conducted an inspection of the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.17(3) and Section VI. of Solid Waste Permit No. 09-02 state that on-site drainage structures must be constructed and maintained to carry incident precipitation from the disposal site so as to minimize the generation of leachate, erosion, and sedimentation. Run-off from the active and/or closed portions of the landfill unit shall be routed to a settling basin or other sedimentation control structure to remove sediment prior to release onto adjacent property or waters. At the time of the inspection, Department personnel observed excessive sediment accumulation at the base of the landfill slopes. Excessive sediment accumulation of this nature would be an indication that run-off is not being routed to the sediment pond or that the accumulation is impeding the flow of run-off to the sediment pond.

B. ADEM Admin. Code r. 335-13-4-.23(1)(b) and Section III.D. of the facility permit state that all waste shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing weekly cover. At the time of inspection, the waste mass in the current working face had not been compacted or spread in layers less than two feet in thickness.

6. On September 21, 2023, Department personnel conducted an inspection of the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.17(3) and Section VI. of the facility permit state that on-site drainage structures must be constructed and maintained to carry incident precipitation from the disposal site so as to minimize the generation of leachate, erosion, and sedimentation. Run-off from the active and/or closed portions of the landfill unit shall be routed to a settling basin or other sedimentation control structure to remove sediment prior to release onto adjacent property or waters. At the time of the inspection, Department personnel observed excessive sediment accumulation along the western perimeter of the landfill. Excessive sediment accumulation of this nature would be an indication that run-off is not

being routed to the sediment pond or that the accumulation is impeding the flow of run-off to the sediment pond.

B. ADEM Admin. Code r. 335-13-4-.23(1)(a)2. states that in the event that erosion develops on previously covered disposal areas, or when waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of 335-13-4-.23(1)(a)1. At the time of inspection, Department personnel observed erosion rills with exposed waste on the western and southern slopes of the facility.

C. ADEM Admin. Code r. 335-13-4-.23(1)(c) and Section III.D of the facility permit state that all waste shall be confined to as small an area as possible. At the time of inspection, the working face was large.

D. ADEM Admin. Code r. 335-13-4-.23(1)(b) and Section III.D. of the facility permit state that all waste shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing weekly cover. At the time of inspection, the waste mass in the current working face had not been compacted or spread in layers less than two feet in thickness.

E. ADEM Admin. Code r. 335-13-4-.23(1)(a)1. and Section III.D of the facility permit require that a minimum of six inches of compacted earth or other alternative cover material approved by the Department be added at the conclusion of each week's operation. At the time of the inspection, flagging waste was noted along the slopes of the landfill. Flagging waste is an indication that the minimum six inches of cover was not applied during previous cover operations.

7. On January 30, 2024, the Department issued a NOV to the Permittee addressing the violations noted during the March 16, 2023, and September 21, 2023, inspections.

8. On February 29, 2024, the Department received a response to the NOV indicating that the issues documented during the referenced compliance visits had been corrected.

9. On March 14, 2024, Department personnel conducted an inspection of the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.17(3) and Section VI. of the facility permit state that on-site drainage structures must be constructed and maintained to carry incident precipitation from the disposal site so as to minimize the generation of leachate, erosion, and sedimentation. Run-off from the active and/or closed portions of the landfill unit shall be routed to a settling basin or other sedimentation control structure to remove sediment prior to release onto adjacent property or waters. At the time of the inspection, Department personnel observed excessive sediment accumulation at the base of the landfill slopes. Excessive sediment accumulation of this nature would be an indication that the accumulation is impeding the flow of run-off to the sediment pond.

10. On September 19, 2024, Department personnel conducted an inspection of the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Administrative Code r. 335-13-4-.17(3) and Section VI. of the facility permit state that on-site drainage structures must be constructed and maintained to carry incident precipitation from the disposal site so as to minimize the generation of leachate, erosion, and sedimentation. Run-off from the active and/or closed portions of the landfill unit shall be routed to a settling basin or other sedimentation control structure to remove sediment prior to release onto adjacent property or waters. At the time of the inspection, Department personnel observed excessive sediment accumulation at the base of the landfill slopes. Excessive sediment accumulation of this nature would be an indication that run-off is not being routed to the sediment pond or that the accumulation is impeding the flow of run-off to the sediment pond. Additionally, sediment was noted in the outfall of the southern sediment pond, which is an indication that sediment was not adequately removed before release onto adjacent property or waters.

B. ADEM Administrative Code r. 335-13-4-.23(1)(a)1. and Section III.D of the facility permit require a minimum of six inches of compacted earth or other alternative cover material approved by the Department be added at the conclusion of each week's operation. A large amount of exposed waste was noted, making it apparent that weekly cover had not been

applied for at the conclusion of the previous week's operation. When asked, facility personnel were unsure when waste was last covered due to equipment failure.

C. ADEM Administrative Code r. 335-13-4-.23(1)(b) and Section III.D of the facility permit state all waste shall be spread in layers two feet or less in thickness and thoroughly compacted before placing additional layers of waste or placing the weekly cover. Portions of the waste mass had not been compacted or spread in layers less than two feet in thickness.

D. ADEM Administrative Code r. 335-13-4-.23(1)(c) and Section III.D of the facility permit state all waste shall be confined to as small an area as possible within a single working face. At the time of inspection, the working face was not confined to as small an area as possible, due to the lack of weekly cover on the current working face.

E. ADEM Administrative Code r. 335-13-4-.23(1)(i) states that adequate equipment shall be provided to ensure continued operation in accordance with permit and regulations. At the time of inspection, facility personnel stated equipment was inoperable at the time of inspection.

11. On March 17, 2025, Department personnel conducted an early morning site visit at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code 335-13-4-.23(1)(a)1. and Section III.D. of the facility permit state that a minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each week's operation. During the site visit, the working face was not covered. The site visit was conducted during the early morning hours at the beginning of the week, before operations began.

B. ADEM Admin. Code r. 335-13-4-.23(1)(c) and Section III.D of the facility permit state that all waste shall be confined to as small an area as possible within a single working face. During the site visit, Department personnel noted that the working face measured 198 yds by 85 yds, as determined by range finder.

C. ADEM Admin. Code r. 335-13-4-.23(1)(i) states that adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations.

During the site visit, landfill personnel stated several pieces of equipment were in-operable, thus impeding application of cover material.

12. On March 21, 2025, Department personnel conducted an inspection of the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.17(3) and Section VI. of the facility permit state that on-site drainage structures must be constructed and maintained to carry incident precipitation from the disposal site so as to minimize the generation of leachate, erosion, and sedimentation. Run-off from the active and/or closed portions of the landfill unit shall be routed to a settling basin or other sedimentation control structure to remove sediment prior to release onto adjacent property or waters. During the inspection, Department personnel observed excessive sediment accumulation in the drainage ditches and at the base of the western slopes of the landfill. In addition, sediment was noted beyond the outfall area for the southern sediment pond, which is an indication that sediment is not being removed prior to release onto adjacent properties.

B. ADEM Admin. Code r. 335-13-4-.23(1)(a)2. states that in the event that erosion develops on previously covered disposal areas, or when waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of 335-13-4-.23(1)(a)1. During the inspection, erosion rills, some with exposed waste, were observed throughout the facility.

C. ADEM Admin. Code 335-13-4-.23(1)(a)1. and Section III.D. of the facility permit state that a minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each week's operation. During the inspection, facility personnel were unable to determine the last day of waste cover.

D. ADEM Admin. Code r. 335-13-4-.23(1)(c) and Section III.D of the facility permit state that all waste shall be confined to as small an area as possible within a single working face. During the inspection, the working face was estimated to be greater than 5,000 yds², as determined using GPS coordinates.

E. ADEM Admin. Code r. 335-13-4-.23(1)(i) states that adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations. During the inspection, landfill personnel stated several pieces of equipment were in-operable, thus impeding application of cover material.

F. ADEM Admin. Code r. 335-13-4-.23(2)(b) and Section III.R. of the facility permit state that litter shall be controlled within the permitted facility. During the inspection, Department personnel observed widespread litter throughout the facility.

13. On September 24, 2025, Department personnel conducted a site visit at the Permittee's landfill to investigate a complaint and determine compliance with Division 13 of the ADEM Administrative Code. During the site visit, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-12-.01(3) and Section II.G of the facility permit state that no later than April 15, 2010, all public solid waste management facilities are required to have at least one certified operator on-site during hours of operation. During the site visit, there was not a certified operator on site.

14. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by the Permittee; the economic benefit which delayed compliance may confer upon the Permittee; the nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violation upon the environment; the Permittee's history of previous violations; and the ability of the Permittee to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: The Permittee failed to comply with certain provisions of ADEM Admin. Code div. 335-13 and Solid Waste Disposal Permit No. 09-02 regarding landfill operations.

B. THE STANDARD OF CARE: The Permittee failed to employ an appropriate standard of care to ensure compliance with certain solid waste disposal requirements.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if the Permittee has realized an economic benefit as a result of the violations noted.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of any efforts employed by the Permittee to mitigate potential effects upon the environment that may have been created as a result of the violations listed.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee does not have a history of similar violations.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has determined the amount of the penalty it believes is warranted in this matter in the spirit of cooperation and the desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

PERMITTEE'S CONTENTIONS

15. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

A. The facility was inspected by the Department on 9/8/22. This inspection is not mentioned in the Order; no additional compliance actions were required.

B. Following the March 16, 2023 inspection by the Department, since there was no NOV for this, it is unclear if the violations were documented in the inspection report.

C. As part of the March 16, 2023 inspection, the September 21, 2023 inspection, the March 14, 2024 inspection, and the September 19, 2024 inspection, the Department contends that it would appear that if the sediment was accumulated at the base of the slope, instead of making it to the sediment basins. Since the sediment didn't leave the site, it would appear the controls were working properly, rather than this being a violation. Cleaning ditches and regrading slopes is part of routine maintenance at the site, and is expected following heavy rainfall.

D. As part of the March 16, 2023 inspection, the September 21, 2023 inspection, and the September 19, 2024 inspection the Department stated at the time of inspection, the waste mass in the current working face had not been compacted or spread in layers less than two feet in thickness. We contend that this is not a violation, as the rule states "All waste shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing the weekly cover as specified in 335-13-4-.23(1)(a)1." The inspection indicated nothing about not compacting or spreading waste, it did show pictures of freshly dumped loads of materials that had not been spread and the waste actively being worked into the working face. In addition, the site regularly achieves a density of 1225 pound per cubic yard from January 2022 through December 2024, which is not consistent with a lack of thorough compaction.

E. As part of the September 21, 2023 inspection, the Department stated waste shall be confined to as small an area as possible and that at the time of inspection, the working face was large. We contend this is not large. Measured by the department as 4,440 yd² (39,960 sq ft or less than one acre).

F. As part of the September 19, 2024 inspection, and March 17, 2025, the Department stated the site had inoperable equipment. Copies of purchase invoices (for a D5 dozer from Thompson), and a spreadsheet showing total equipment repairs from January 2023 through October 2025, and a rental invoice from Yancey (for a second dozer) have been provided to the Department. In addition, a haul truck and excavator were moved from another site within the company. We used low-boy rentals for moving this equipment.

G. As part of the March 21, 2025 inspection, the Department indicated that sediment is not being removed prior to release onto adjacent properties. First of all, the permittee owns the property to the west of the sediment basin discharge locations. The release would have to travel over 450 feet (which it does not do) to release onto adjacent property. Secondly, there is prior evidence that this sediment did not pass through the pond, and therefore was not released from the site. There is an existing erosion wash that can be seen in the photos and topographic survey that likely formed prior to construction of the pond. This is evident looking from the pond dam that this flow bypasses from the adjacent site, not the landfill site.

H. As part of the recent September 24, 2025 inspection, the Department representative asked two employees if they were Certified. At the time, they were not. However, there are two Certified Operators responsible for the site. [Carl H. Barkalow, certified landfill operator number: LFOP00561 and Claude S. "Steve" Carpenter, Sr., certified landfill operator number: LFOP01132]. And since that time, these other two employees have also been certified by the State at the recent SWANA meeting. [Their certificate numbers are not ready, at this time.]

ORDER

THEREFORE, without admitting that it has violated any statutes or regulations, the Permittee, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18), as amended, as well as the need for timely and effective enforcement; the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this Consent Order with the following terms and conditions:

A. That, not later than **forty-five days** after issuance of this Order, the Permittee shall pay to the Department a civil penalty in the amount of \$23,900 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified check or cashier's check and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

All checks shall reference the Permittee's name, address and the ADEM Consent Order number of this action.

B. That immediately, upon the issuance of this Order and continuing each and every day thereafter, the Permittee shall comply with all applicable provisions of ADEM Admin. Code div. 335-13 and Solid Waste Disposal Permit Number 09-02.

C. That the Permittee shall conduct the following corrective actions:

1. Construct a new sediment pond (Pond #3) in accordance with approved plans included as part of the proposed permit modification submitted on May 31, 2024, no later than **90 days** following the issuance of this Order or issuance of the proposed permit modification, whichever is later. The construction of Sediment Pond #3 shall include a phasing plan. The phasing plan shall include grading that indicates existing drainage, perimeter ditches and the outfall of existing sediment ponds (North Pond and South Pond) will be directed to Sediment Pond #3. The existing North Pond and South Pond may remain in place, but the phasing plan will include a note that indicates regular sediment removal from the North Pond and South Pond.

2. Remove excess sediment accumulation from the existing sediment ponds (North Pond and South Pond) within **thirty days** following the issuance of this Order. In addition, the Permittee shall revise the Operations Plan within **thirty days** following the issuance of this Order to detail maintenance and clean out of the ponds on a routine basis.

3. Repair any inoperable equipment such that cover and compaction activities can continue unimpeded, as required by Solid Waste Permit No. 09-02.

4. No later than **150 days** following the issuance of this Order, the Permittee shall submit a report to the Department which includes a detailed description of all corrective actions taken to resolve the violations noted in the Department's Contentions, including construction of the new sediment pond. The report shall include documentation that all

actions have been completed and the facility returned to compliance within the required schedule.

D. The parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

F. The Permittee agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate; the Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if future orders, litigation, or other enforcement action address new matters not raised in this Consent Order.

I. The parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The parties agree that this Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

K. The parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.


M. The parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State, or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

CHAMBERS COUNTY LANDFILL, LLC

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Edward F. Poolos
Director

Nathan Dunn
(Printed Name)

VP Post Collections
(Printed Title)

(Date Signed)

1/27/20
(Date Signed)

Attachment A
Chambers County Landfill
Lanett, Chambers County
Solid Waste Disposal Permit No. 09-02

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to control litter (3/21/25)	1	\$250	\$125	\$0	
Failure to cover waste weekly (9/19/24 and 3/17/25)	2	\$6,000	\$4,000	\$0	
Failure to re-apply cover (erosion rills) or apply sufficient cover (flagging) (9/21/23 and 3/21/2025)	2	\$2,000	\$1,000	\$0	
Failure to confine working face (9/21/23, 9/19/24 and 3/17/25)	3	\$3,000	\$1,500	\$0	
Failure to compact waste mass (3/16/23, 9/21/23, and 9/19/24)	3	\$3,000	\$1,500	\$0	
Failure to maintain sediment control structures (3/16/23, 9/21/23, 3/14/24, 9/19/24, and 3/21/25)	5	\$2,500	\$1,250	\$0	
Failure to provide adequate equipment (9/19/24 and 3/17/25)	2	\$1,000	\$500	\$0	
Failure to have certified operator on site during operations 09/24/25	1	\$1,500	\$750	\$0	
TOTAL PER FACTOR		\$19,250	\$10,625	\$0	\$29,875

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$0
Total Adjustments (+/-) <i>Enter at Right</i>	\$5,975

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$29,875
Total Adjustments (+/-)	\$5,975
FINAL PENALTY	\$23,900

Footnotes * See the “Department’s Contentions” portion of the Order for a detailed description of each violation and the penalty factors.